IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1543 OF 2004
IN
FIRST APPEAL NO.1796 OF 2005

The Municipal Corporation of
Greater Mumbai ...Applicant

Versus

Mrs Shabera Badshah Mulla & Ors. ...Respondents

Shri J.J.Xavier i/by Shri H.V.Tendolkar for the Applicant.
Ms Nayana Thatte i/by Shri S.M.Oak for the Respondent.

CORAM : A. S. OKA, J.
DATE : JANUARY 08, 2007.

P.C.:

1. Rule. Heard the Advocate for the Applicant and the Advocate for the Respondent Nos.1 and 2. The entire amount due and payable as per the impugned Judgment and Award has been deposited by the Applicant with the Tribunal.

2. Considering the findings recorded by the Tribunal and considering the fact that age of the deceased was 42 years at the time of accident, the Respondents will have to be permitted to withdraw reasonable amount.

3. Hence, I pass the following order:

(i) The third Respondent is permitted to withdraw a a sum of Rs.50,000/- without furnishing any security.

(ii) A sum of Rs.01,25,000/- shall be invested in fixed deposit by the concerned Tribunal in any nationalised bank initially for a period of three years and the fixed deposit shall be renewed thereafter from time to time till the disposal of the Appeal. The first Respondent is permitted to withdraw the interest accrued on the fixed deposit till the date on which the second Respondent attains age of majority. From the date of the second Respondent attaining majority, he will be entitled to withdraw the amount of interest.

(iii) The first Respondent is permitted to withdraw a sum of Rs.50,000/- without security. The first Respondent is also permitted to withdraw the entire balance amount deposited by the Applicant on furnishing security to the satisfaction of the concerned Tribunal.

(iv) Civil Application is disposed of in above terms.

JUDGE